

Department of Planning and Budget

2008 Fiscal Impact Statement

1. Bill Number **SB 764**

House of Origin ☐ Introduced ☐ Substitute ☐ Engrossed
Second House ☐ In Committee ☐ Substitute ☒ Enrolled

2. Patron Ticer

3. Committee Passed both houses

4. Title **Address Confidentiality Program for domestic violence victims**

5. Summary/Purpose:

Current law directs the Attorney General to establish the position of Statewide Facilitator for Victims of Domestic Violence. Also required is the establishment of an “Address Confidentiality Program”, through which a victim of domestic violence can establish, through the Office of the Attorney General, a designated address. After a person’s application for participation in the program is approved, any first-class mail addressed to the participant at the designated address is forwarded by the staff of the Attorney General to the participant’s actual address. As currently written, the program is restricted to Arlington County and makes the program’s continuation on a statewide basis contingent on funds being included in the general appropriation act.

The proposed legislation would make several technical changes in the procedures used to administer the program. In addition, it would make the following policy changes:

- Provides that the application for participation in the address confidentiality program be made with a local domestic violence program, rather than the Office of the Attorney General. The Office of the Attorney General would still be required to approve any application;
- Prohibits anyone on active parole or probation supervision or anyone required to register as a sex offender from participating in the program;
- Requires that the sworn statement required to be included in the application be made under penalty of perjury;
- Expands the scope of the provisions to include numerous counties and cities, in addition to Arlington County; and
- Makes the continuation of the address confidentiality program on a statewide basis contingent on a general fund appropriation in the 2011 Session of the General Assembly, rather than the 2008 Session.

6. Fiscal Impact: Final. See Item 8.

7. Budget amendment necessary: None.

8. Fiscal implications:

The current statute requires that an applicant to participate in the address confidentiality program submit a “sworn” statement. The proposed legislation would add the following phrase, “declaring to be true and correct under penalty of perjury”, to modify “sworn statement.” It is not clear if the present requirement that the statement be “sworn” implies that a willfully false statement would be perjury. If so, then the new language is just a clarification and could be interpreted as requiring that the application form explicitly inform the applicant of the perjury implications of a false statement. On the other hand, if the new language would have the effect of expanding the current statute and making an applicant subject to a perjury charge, where that is not currently the case, the legislation could result in additional persons being sentenced to jail or prison.

Commitment of perjury is a Class 5 felony. For someone convicted of a Class 5 felony, a judge has the option of sentencing him to up to one year in jail, or 1 to 10 years in prison. Therefore, this proposal could result in an increase in the number of persons sentenced to jail or prison.

There is not enough information available to reliably estimate how many additional inmates in jail could result from this proposal. Any increase in jail population will increase costs to the state. The Commonwealth pays the localities \$8.00 a day for each misdemeanor or otherwise local responsible prisoner held in a jail, \$8.00 a day for each state responsible inmate held for sixty days or less, and \$14.00 a day for each state responsible inmate held for more than sixty days. It also funds most of the jails’ operating costs, e.g. correctional officers. The state’s share of these costs on a per prisoner, per day basis varies from locality to locality. However, according to the Compensation Board’s most recent Jail Cost Report (November 2007), the estimated total state support for local jails averaged \$28.42 per inmate, per day in FY 2006.

Due to the lack of data, the Virginia Criminal Sentencing Commission has determined, pursuant to §30-19.1:4 of the Code of Virginia, that the impact of the proposed legislation on state-responsible (prison) bed space cannot be determined. However, it is expected that the impact will be negligible.

9. Specific agency or political subdivisions affected:

Department of Corrections
Local and regional jails

10. Technical amendment necessary: None.

11. Other comments: None.

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